



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

JUN 17 1998

400 Seventh Street, S.W.
Washington, D.C. 20590

DOT-E 12030

EXPIRATION DATE: May 31, 2000

(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. GRANTEE: East Penn Manufacturing Company, Inc.
Lyon Station, PA
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of battery fluid, acid, packaged with a dry storage battery in a UN4G fiberboard box with a maximum gross weight not over 37.0 kg which exceeds the weight limitation authorized by the Hazardous Materials Regulations (HMR). This exemption provides no relief from any HMR other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 172.101 Special Provision N6 and § 173.159(h) in that a maximum gross weight of 37 kg is authorized for the completed package.
5. BASIS: This exemption is based on the application of East Penn Manufacturing Company, Inc. dated January 9, 1998, submitted in accordance with 49 CFR 107.105 and the public proceeding thereon.

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6. HAZARDOUS MATERIALS (49 CFR 172.101):

| Hazardous materials description -- proper shipping name | Hazard Class/ Division | Identi- fication Number | Packing Group |
|--|------------------------------|-------------------------------|------------------|
| Battery fluid, acid | 8 | UN2796 | II |

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a combination package consisting of one UN6HG2 composite package containing battery fluid and a dry storage battery packed in a UN4G fiberboard box. The UN6HG2 composite packaging has a maximum capacity of 8.0 liters and is marked as meeting the requirement for Packaging Group II. The maximum allowable gross weight for the completed package is 37.0 kg.

b. TESTING - The completed package must meet the requirements for Packaging Group III.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: None as a requirement of this exemption.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. Section 5101 et seq:

- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

- o Registration required by 49 CFR 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in 49 CFR 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by 49 CFR 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:



Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

JUN 17 1990

(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

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